

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

23-cr-347 (JGK)

- against -

ORDER

ALEXANDER MASHINSKY,

Defendant.

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JOHN G. KOELTL, District Judge:

By memo endorsement dated February 7, 2025, the Court adjourned the sentencing date to May 8, 2025, and reiterated the schedule for sentencing submissions by the parties contained in the transcript of the December 3, 2024 proceeding at pages 30-31, namely defense submission in connection with sentencing due 21 days before sentencing, Government submission due 14 days before sentencing, and defense reply due 7 days before sentencing. ECF No. 116. The Court also requested the parties to advise the Court promptly if a Fatico hearing is necessary. Id. Therefore, the defense submission is due **April 17, 2025**; the Government submission is due **April 24, 2025**; and the defense reply is due **May 1, 2025**.

By letter dated April 3, 2025, the Government has expressed doubt that the defendant is prepared to accept the factual statements in the Pre-Sentence Report, and the Government has expressed a willingness to proceed to a multi-day Fatico


hearing. ECF No. 126. The defense has requested until April 7 to respond to the Government letter.

The Court reminds the parties that pursuant to Federal Rule of Criminal Procedure 32(i)(3)(B) the Court "must—for any disputed portion of the presentence report or other controverted matter—rule on the dispute or determine that a ruling is unnecessary either because the matter will not affect sentencing, or because the court will not consider the matter in sentencing." The Probation Department has indicated how it has resolved the objections presented to it. If the parties contend that they continue to object to any portion of the Pre-Sentence Report that may affect sentencing, then they should make that clear promptly, and the Court will proceed to a Fatico hearing. The parties need not wait for the time to file their sentencing materials, including any objections to the Pre-Sentence Report, if they know that they object now to portions of the Pre-Sentence Report. The Court advised the parties two months ago that they should advise the Court promptly if a Fatico hearing is necessary.

The defendant may respond to the Government's April 3 letter by **April 7, 2025**.

**SO ORDERED.**

**Dated: New York, New York  
April 3, 2025**

  
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**John G. Koeltl**  
**United States District Judge**